

REMARKS

The present application stands with pending claims 1-4, 6-23 and 25-28, where only claims 1 and 28 are independent. This style of amendment follows the Official Gazette Notice of January 25, 2003, in which a single set of all of the claims, showing their present status and amendments, is presented.

As a preliminary matter, Applicants thank the Examiner for the interview held on May 7, 2003. During that interview it was discussed that upon the amendments being filed with this Amendment D, a new search might be required since the claims now limit the task to healthcare tasks. However, the Examiner did agree that more likely than not he is not going to find a further reference regarding healthcare tasks as recited in the claims. In light of this, and the fact that the claims are most likely now allowable, we kindly and respectfully ask that the Examiner enter this Amendment without the requirement for the RCE, to expedite the case to allowance. We understand this is fully in the discretion of the Examiner.

Claims 1, 3, 4, 6-8, 11-13, 16, 21-23, 26-28 stand rejected under 35 U.S.C. §103 as being obvious to LeVander (U.S. 6,216,108) in view of Dossett (Industrial Engineering Journal "Work Measured Labor Standards – The state of the art."). In response, Applicants amended claims 1 and 28 to include healthcare tasks to make it clear that the invention is directed to healthcare related services or businesses. The cited references do not disclose or suggest all of the features of claims 1 and 28 as now amended.

In contrast to the present invention as recited in claims 1 and 28, LeVander discloses historical standards for estimating time and costs for the construction/building repair industries. Dossett discloses that the MOST system and PMTS are motion analysis techniques that should be used for measuring short, repetitive tasks (short-cycle, high repetitive tasks). Page 2, lines 8-

25; page 3, line 14. It can easily be seen how this applies to nailing, drywalling, etc., in the construction field where the exact same activity and motion is repeated many times over.

Nowhere do these two references suggest that the MOST system can be applied successfully to the healthcare fields. It was the discovery of the present inventors that the MOST system could nevertheless be applied to the seemingly variable motions required for nurses duties, and doctors examinations, as well as other healthcare activities and tasks. For these reasons, Applicants respectfully request that the rejection of claim 1 and its depending claims recited above be withdrawn.

Claims 2 and 14 stand rejected under 35 U.S.C. §103 as being unpatentable over LeVander in view of Dossett and Isherwood (U.S. 5,918,219). Claim 25 stands rejected under 35 U.S.C. §103 as being unpatentable over LeVander in view of Dossett and Conway. Claims 15, 17-20 stand rejected under 35 U.S.C. §103 as being unpatentable over LeVander in view of Dossett and Dangat et al. (U.S. 6,216,108). Finally, claims 9 and 10 stand rejected under 35 U.S.C. §103 as being unpatentable over LeVander in view of Dossett and Nick (U.S. 6,009,406).

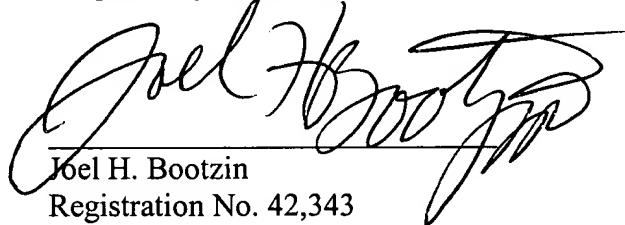
In response, to all of these section 103 obviousness rejections, Applicants respectfully traverse, repeat the arguments from above regarding LeVander and Dossett, and further assert that none of the cited references, alone or in combination, disclose or suggest an operator independent method of task time measurement as now recited in claims 1 and 28 used with healthcare tasks. Nowhere do any of these references suggest that nurses, doctors and others in the health fields, with tasks that appear to be so different from patient to be patient, can actually be timed accurately using MOST and PMTS. For this reason, Applicants submit that the §103 rejection of claim 2, 9, 10, 14-15, 17-20 and 25 based on LeVander in view of Dossett and the

other references has been overcome and respectfully request that the §103 rejection of these claims be withdrawn.

For the foregoing reasons, Applicants respectfully request consideration and allowance of all pending claims. The Examiner is invited to contact the undersigned attorney if an interview would expedite prosecution.

No fee is thought to be due in conjunction with the submission of this Amendment. However, the Director is hereby authorized to charge any deficiency to Deposit Account No. 18-2284 of Piper Rudnick, duplicate copy attached.

Respectfully submitted,



Joel H. Bootzin
Registration No. 42,343

PIPER RUDNICK
P.O. Box 64807
Chicago, Illinois 60440-0807
Telephone: (312) 368-7072
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